

ORDINANCE 8119

AN ORDINANCE AMENDING TITLE 4 “LICENSES AND PERMITS” BY ADDING A NEW SECTION 4-20-69 “COOPERATIVE HOUSING LICENSE FEE”; AMENDING TITLE 9 “LAND USE CODE” BY AMENDING TABLE 6-1 TO MAKE COOPERATIVE HOUSING AN ALLOWED USE IN CERTAIN ZONE DISTRICTS; BY AMENDING SECTION 9-6-3, ELIMINATING THE REQUIREMENT OF A SPECIAL USE PERMIT FOR COOPERATIVE HOUSING; BY AMENDING SECTION 9-8-5 TO PROVIDE FOR SPECIFIC OCCUPANCY LIMITATION FOR COOPERATIVE HOUSING UNITS; BY AMENDING SECTION 9-16-1 TO ADD NEW DEFINITIONS; BY AMENDING TITLE 10 “STRUCTURES” BY ADDING A NEW CHAPTER 11 “COOPERATIVE HOUSING” ESTABLISHING REQUIREMENTS FOR LICENSING HOUSING COOPERATIVES AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A new Section 4-20-69 is added as follows:

4-20-~~69~~18. – Cooperative Housing License Fee.

The following fees shall be paid before the city manager may issue a rental license or renew a rental license:

(a) \$105 per license or renewal.

(b) To cover the cost of investigative inspections, the city manager will assess to licensees a \$250 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of chapter 10-11 “Cooperative Housing,” B.R.C. 1981.

Section 2. Section 4-32-2 is amended as follows:

4-23-2. – Permit Issuance.

(a) Upon designation of a neighborhood permit parking zone pursuant to section 2-2-15, "Neighborhood Permit Parking Zones," B.R.C. 1981, the city manager shall issue parking

1 permits for vehicles owned by or in the custody of and regularly used by residents of such zone,
2 by persons employed by a business located within such zone, and, if provided in the zone, by
3 individual nonresidents upon receipt of a completed application therefor and payment of the fees
4 prescribed in section 4-20-49, "Neighborhood Parking Permit Fee," B.R.C. 1981.

5 (b) A vehicle displaying a valid permit issued pursuant to this section may be parked
6 in the zone specified in the permit without regard to the time limits prescribed for the zone.

7 (c) No more than two resident permits shall be in effect at any time for any person.
8 No person shall be deemed a resident of more than one zone, and no more than one permit may
9 be issued for any one vehicle even if persons residing in different zones share ownership or use.

10 (d) Resident permits issued under this section shall be specific for a single vehicle,
11 shall not be transferred, and shall be displayed thereon only as the manager by regulation may
12 prescribe. The permittee shall remove the permit from the vehicle if the vehicle is sold, leased or
13 no longer in the custody of the permittee. Provided however that no more than a total of three
14 resident permits may be issued for any dwelling unit licensed pursuant to Section 10-11-3,
15 "Cooperative Housing Licenses," B.R.C. 1981.

16 (e) *Business*, for the purpose of this chapter, includes nonresidential institutions, but
17 does not include home occupations. Three business employee permits may be in effect at any
18 time for any business without regard to number of employees or off-street parking. In the
19 alternative, upon application by the manager of the business, the city manager may issue
20 employee permits to a business according to the following formula: half of the number of full-
21 time equivalent employees minus the number of off-street parking spaces under the control of the
22 business at that location equals the maximum number of employee permits for the business. Full-
23 time equivalent employees of the business are calculated based upon one such employee for
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1 every full forty hours worked at that location by employees of the business within the periods of
2 time in a week during which the neighborhood permit parking restrictions are in effect. On its
3 application, the employer shall designate the employee vehicles, not to exceed the number
4 allowed, for which each permit is valid. A business permit is valid only for the vehicles listed
5 thereon, and shall be displayed on the vehicle for which the permit is being used only as the
6 manager by regulation may prescribe.

7 (f) The manager shall by regulation declare when the permit year shall begin for each
8 neighborhood parking permit zone. Permits issued based on new applications submitted during
9 the last month of a permit year shall also be valid for the succeeding permit year. Otherwise there
10 shall be no proration of the fee.

11 (g) In considering applications for resident permits, the manager may require proof
12 that the applicant has a legal right to possession of the premises claimed as a residence. If the
13 manager has probable cause to believe that the occupancy limitations of subsection 9-8-5(a),
14 B.R.C. 1981, are being violated, no further permits shall be issued under this section for the
15 residence in question until the occupancy thereof is brought into compliance.

16 (h) If the permit or the portion of the vehicle to which a resident permit has been
17 affixed is damaged such that it must be replaced, the permittee, upon application therefor, shall
18 be issued a replacement at a prorated cost. The manager may require display of the damaged
19 permit before a new permit is issued.

20 (i) No person shall use or display any permit issued under this section in violation of
21 any provision of this code.

22 (j) The maximum number of nonresident permits issued on any given block face
23 within a zone shall be four. In addition, if the manager determines that the average daily
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1 percentage of unoccupied neighborhood parking spaces, on block faces where commuter permits
2 have been allocated, drops below twenty-five percent for four consecutive hours between the
3 hours of 9:00 a.m. and 5:00 p.m. of any given weekday, then the manager shall reduce the
4 number of commuter permits by a number estimated to maintain an average daily percentage of
5 unoccupied neighborhood parking spaces of twenty-five percent. But for any part of Goss Street
6 or Circle, Grove Street or Circle or the portions of 16th Street through 23rd Street between
7 Arapahoe Avenue and Canyon Boulevard, included within any neighborhood parking permit
8 zone, the average daily percentage of unoccupied neighborhood parking spaces which must be
9 maintained without reduction in commuter permits shall be fifteen percent. The manager may
10 also, for this Goss-Grove zone, allocate commuter permits initially to educational institutions and
11 organizations representing postal workers in rough proportion to the needs of these groups. Such
12 groups may renew such permits. Distribution of such permits by such groups to their clientele
13 shall be at a price not to exceed the cost of the permit.
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15 **Section 3.** Section 4-23-3 is amended as follows:

16 4-23-3. - Guest Permits.

17 Residents issued a permit pursuant to this chapter may obtain two two-week permits per
18 year for use by houseguests of the permittee. The permit shall be indelibly marked in the space
19 provided thereon with the date of its first use. The permit shall thereafter be valid only for the
20 succeeding thirteen consecutive days. The manager may by regulation define the circumstances
21 under which additional guest permits may be issued in cases of reasonable need consistent with
22 residential use of the dwelling. Provided however that no more than a total of six two-week
23 guest permits per year may be issued for any dwelling unit licensed pursuant to Section 10-11-3,
24 “Cooperative Housing Licenses,” B.R.C. 1981.
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Section 2. Table 9-6-1 is amended ~~as set forth in an attachment A~~ to strike the line
reading "Cooperative Housing Units."

Section 3. Section 9-6-3(b) is repealed and subsequent sections are renumbered.

Section 4. Section 9-8-5 is amended as follows:

9-8-5. – Occupancy of Dwelling Units.

(a) General Occupancy Restrictions: Subject to the provisions of Chapter 10-2,
"Property Maintenance Code," B.R.C. 1981, no persons except the following persons shall
occupy a dwelling unit:

(1) Members of a family plus one or two roomers. The quarters that the roomers use
shall not exceed one-third of the total floor area of the dwelling unit and shall not be a separate
dwelling unit;

(2) Up to three persons in P, A, RR, RE, and RL zones;

(3) Up to four persons in MU, RM, RMX, RH, BT, BC, BMS, BR, DT, IS, IG, IM,
and IMS zones; or

(4) Two persons and any of their children by blood, marriage, guardianship, including
foster children, or adoption.

(b) Accessory Dwelling Unit, Owner's Accessory Unit, or Limited Accessory
Dwelling Unit: The occupancy of an accessory dwelling unit, owner's accessory unit, or limited
accessory dwelling unit must meet the requirements of Subsection 9-6-3(a), B.R.C. 1981.

1 (c) Nonconformity: A dwelling unit that has a legally established occupancy higher
2 than the occupancy level allowed by Subsection (a) of this section may maintain such occupancy
3 of the dwelling unit as a nonconforming use, subject to the following:

4 (1) The higher occupancy level was established because of a rezoning of the property,
5 an ordinance change affecting the property, or other city approval;

6 (2) The rules for continuation, restoration, and change of a nonconforming use set
7 forth in Chapter 9-10, "Nonconformance Standards," B.R.C. 1981, and Section 9-2-15, "Use
8 Review," B.R.C. 1981;

9 (3) Units with an occupancy greater than four unrelated persons shall not exceed a
10 total occupancy of the dwelling unit of one person per bedroom;

11 (4) The provisions of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981; and

12 (5) If a property owner intends to sell a dwelling unit with a non-conforming
13 occupancy that exceeds the occupancy limits in Subsection 9-8-5(a), B.R.C. 1981, every such
14 contract for the purchase and sale of a dwelling unit shall contain a disclosure statement that
15 indicates the allowable occupancy of the dwelling unit.

16 (d) A dwelling unit licensed as a Cooperative Housing Unit pursuant to Section 10-
17 11-3 "Cooperative Housing Licenses," B.R.C. 1981, shall not be subject to the occupancy limits
18 set forth in this section. All such dwelling units shall be limited to no fewer than 4 occupants
19 with the maximum number of occupants, without regard to whether the occupants are related or
20 not, as follows:

21 (1) In the Rural Residential and Residential Low Density zone districts to no more than
22 12 occupants;

23 (2) In all other zone districts to no more than 15 occupants;
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1 (3) The city manager may authorize a greater number of occupants in any Cooperative
2 Housing Unit that is deed restricted as permanently affordable if the planning board after a
3 public hearing recommends a greater number. Before making any such recommendation, the
4 planning board shall consider the potential impacts on the surrounding community, the number
5 of residents proposed, the proposed habitable square feet per person, the available off-street
6 parking, and the mission of the cooperative.

7 (ed) Prohibition: No person shall occupy a dwelling unit in violation of this section or
8 intentionally or negligently misrepresent the permitted occupancy of a dwelling unit in violation
9 of this section.

10 **Section 5.** Section 9-16-1 is amended by amending the definition of “Cooperative
11 Housing Unit” as follows:

12 Cooperative Housing Unit has the same meaning as set forth in Section 10-1-1,
13 “Definitions,” B.R.C. 1981 ~~means an individual building for cooperative living that meets the~~
14 ~~criteria for such units set forth in Subsection 9-6-3(b), B.R.C. 1981.~~

15 **Section 6.** The following new definitions are added to Section 10-1-1:

16 Area Median Income shall have the same meaning as set forth in Section 9-16-1,
17 “General Definitions,” B.R.C. 1981

18 *Cooperative* means a housing arrangement in which residents share expenses, ownership
19 or labor.

20 *Cooperative housing unit* means a dwelling unit in a Private Equity, Group~~Limited~~
21 Equity or Rental Cooperative.
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1 Expert Cooperative Housing Organization means an organization recognized by the city
2 manager as having experience and expertise in the formation, operation and organization of
3 cooperative housing units.

4 Group Equity Cooperative means a cooperative in which a majority ownership interest is
5 held by a non-profit organization, which is tax exempt under section 501(c)(3) of the Internal
6 Revenue Code.

7 ~~*Legitimate Cooperative Housing Organization* means an organization formed under~~
8 ~~Colorado law that, in addition to any other criteria adopted by the City Manager, has the~~
9 ~~following:~~

10 ~~—— (1) a documented governance structure;~~

11 ~~—— (2) a list of members; and~~

12 ~~—— (3) bylaws that provide for the following:~~

13 ~~—— (a) provisions prohibiting discrimination or harassment;~~

14 ~~—— (b) a provision requiring regular meetings of all members;~~

15 ~~—— (c) a democratic decision making structure;~~

16 ~~—— (d) provisions for discipline or discharge of members; and~~

17 ~~—— (d) provisions for sharing of resources.~~

18 ~~*Limited equity cooperative* means a cooperative operating on a property owned in part by~~
19 ~~its occupants. A not for profit corporation may own an interest in the property.~~

20 ~~*Not for Profit Rental Cooperative* means a rental cooperative owned by a corporation~~
21 ~~registered with the United States government pursuant 26 U.S.C. § 501(c)(3).~~

22 ~~*Private Equity Cooperative* means a cooperative in which two-thirds of the adult non-~~
23 ~~dependent residents own an interest in the property, two-thirds of the individuals who own an~~

1 interest in the property are also residents of the property, and the owner-residents hold a
2 controlling ownership interest in the property. A organization recognized as tax exempt under
3 section 501(c)(3) of the Internal Revenue Code with a housing focused mission may own a
4 minority interest in the property.~~operating on a property owned jointly by the residents of the~~
5 ~~cooperative.~~

6 *Rental Cooperative* means a cooperative in which ~~the more than one-third of the some or~~
7 ~~all of the~~ residents do not have an ownership interest in the property in which the cooperative
8 operates.

9 **Section 7.** Title 10 is amended to add a new Chapter 11 as follows:

10 **Chapter 11 Cooperative Housing**

11 **10-11-1. Legislative Intent**

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13 The City Council intends to facilitate cooperative living arrangements. The Council finds
14 that cooperative living arrangements can provide an affordable alternative for living in Boulder.
15 In addition, cooperative arrangements can provide supportive and fulfilling community for their
16 residents. The City Council seeks to balance the benefits of cooperative living against the
17 impacts from the increased density that comes along with cooperative living. The City Council
18 also is concerned about cooperatives competing in a tight housing market with families seeking
19 single family homes. The City Council intends to monitor the implementation, affects and
20 results of this ordinance.

21 **10-11-2. - Cooperative License Required Before Occupancy.**

22 No person shall occupy, allow, or offer to allow through advertisement or otherwise, any
23 person to occupy any cooperative housing unit unless the cooperative housing unit has been
24 issued a valid cooperative housing license by the city manager.
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1 **10-11-3. – Cooperative Housing Licenses.**

2 (a) License terms shall be as follows:

3 (1) Licenses shall expire four years from issuance or when ownership of the licensed
4 property is transferred.

5 (A) In addition to any other applicable requirements, new licenses and renewals shall
6 require that the licensee submit to the city manager a completed current baseline (for a new
7 license) or renewal inspection report, on forms provided by the City. The report shall satisfy the
8 following requirements:

9 (i) The section of the report concerning fuel burning appliances must be executed by
10 a qualified heating maintenance person certifying compliance with those portions of Chapter 10-
11 2, "Property Maintenance Code," B.R.C. 1981, for which the report form requires inspection and
12 certification.

13 (ii) The section of the report concerning smoke and carbon monoxide alarms must be
14 executed by the operator certifying that the operator inspected the smoke and carbon monoxide
15 alarms in the licensed property and that they complied with the requirements of Chapter 10-2,
16 "Property Maintenance Code," B.R.C. 1981.

17 (iii) The section of the report concerning trash removal must be executed by the
18 operator certifying that the operator has a current valid contract with a commercial trash hauler
19 for removal of accumulated trash from the licensed property in accordance with Subsection 6-3-
20 3(b), B.R.C. 1981.

21 (b) Whenever an existing license is renewed, the renewal license shall be effective
22 from the date of expiration of the last license if the applicant submits a complete renewal
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1 application by or within ninety days from the expiration date. Licenses not renewed within
2 ninety days will be considered expired, requiring a new baseline inspection report.

3 (c) The city manager shall issue no more than ~~fifteen~~ ten new cooperative housing
4 licenses in any calendar year. Provided, however, if in any calendar year, after the city manager
5 issued ten licenses, there are less than two licenses issued to group equity cooperatives, private
6 equity cooperatives or rental cooperatives, the city manager may issue sufficient additional
7 license so that there are at least two licensees issued in each category up to a total of no more
8 than fourteen licenses for all categories in any calendar year. ~~Such licenses shall be allocated as~~
9 ~~follows:~~

10 ~~—— (1) — No more than five licenses for limited equity cooperatives;~~

11 ~~—— (2) — No more than five licenses for private equity cooperatives;~~

12 ~~—— (3) — No more than five licenses for not-for-profit rental cooperatives;~~

13 ~~—— (4) — No more than five licenses for rental cooperatives; and~~

14 ~~(5) — If an application for a cooperative housing unit exceeds the limits set forth in this~~
15 ~~subparagraph (c), the city manager will place the applicant on a waiting list. Applicants on the~~
16 ~~waiting list shall be given priority for consideration of applications in the next calendar year.~~

17 (d) No cooperative housing unit may locate within five hundred feet of from the
18 property boundary of another cooperative housing unit, but the city manager may permit two
19 cooperative housing units to be located closer than five hundred feet apart if they are separated
20 by a physical barrier, including, without limitation, an arterial collector, a commercial district or
21 a topographic feature that avoids the need for dispersal. The planning department shall maintain
22 a map showing the locations of all cooperative housing units in the city. ~~Cooperative housing~~
23 ~~licenses shall be limited to the following concentrations:~~

1 (1) ~~Neighborhood Area: In the RL-1, RL-2, RE, RR-1, RR-2, A or P zoning districts,~~
2 ~~no more than ten percent of the single family lots or parcels in a neighborhood area contain a~~
3 ~~cooperative housing unit. For the purpose of this subparagraph:~~

4 ~~(i) The "neighborhood area" in RL-1, RL-2 and P zoning districts is the area~~
5 ~~circumscribed by a line three hundred feet from the perimeter of the lot line within which any~~
6 ~~cooperative housing unit will be located.~~

7 ~~(ii) The "neighborhood area" in RE, RR-1, RR-2 and A zoning districts is the~~
8 ~~area circumscribed by a line six hundred feet from the perimeter of the lot line within which any~~
9 ~~cooperative housing unit will be located.~~

10 ~~(iii) If an application for a cooperative housing unit exceeds the ten percent~~
11 ~~requirement set forth in this subparagraph (a)(2)(A), the city manager will place the applicant on~~
12 ~~a waiting list for the neighborhood area. At such time as there is room for an additional~~
13 ~~cooperative housing unit within a neighborhood area, the city manager will notify the first~~
14 ~~eligible person on the waiting list. Such person on the waiting list shall be required to provide~~
15 ~~notice of intent to file an application within thirty days and file an application within sixty days~~
16 ~~of such notice.~~

17 ~~(e) Any Group Equity Cooperative shall be permanently affordable. The price of any~~
18 ~~equity ownership interest shall be affordable to a households earning no more than sixty percent~~
19 ~~of the area median income. Rents charged must be affordable to households earning no more~~
20 ~~than sixty percent of the area median income.~~

21 ~~(f) A cooperative license may be issued to any group of natural persons or organization~~
22 ~~formed under Colorado law. If the applicant is an organization, all owners must be natural~~
23 ~~persons.~~

1 (g) No rental cooperative shall be located in a dwelling unit with less than 2000 square
2 feet of habitable space.

3 (h) No cooperative shall be located in an agricultural, industrial or public zone.
4 Cooperatives shall be permitted in all other zone districts.

5 (i) No person under 21 years of age may own an interest in a cooperative, in real
6 property on which a cooperative is located or in an organization owning real property on which a
7 cooperative is located.

8 **10-11-4. - License Application Procedure for Cooperative Housing Licenses.**

9 (a) Only a Legitimate Cooperative-~~Organization~~ may be an applicant for a
10 cooperative housing license. A licensed-~~Legitimate- cCooperative- Organization~~ may operate a
11 ~~cooperative~~ only with the written consent of the property owner and only in a premises licensed
12 pursuant to Chapter 10-3, "Rental Licenses," B.R.C. 1981.

13 (b) Every applicant for cooperative housing license shall submit the following:

14 (1) A written application for a license to the City, on official city forms provided for
15 that purpose, at least thirty days before occupancy of the property including:

16 (A) A housing inspector's certification of baseline inspection dated within twelve
17 months before the application. Each licensee shall submit evidence of compliance with this
18 subsection every two years. The applicant shall make a copy of the inspection form available to
19 city staff and ~~tenants~~ residents of inspected units within fourteen days of a request;

20 (B) A report on the condition and location of all smoke and carbon monoxide alarms
21 required by chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the
22 applicant;
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1 (C) A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
2 1981, made and verified by the applicant;

3 (D) A parking management plan meeting the requirements of subsection 10-11-11,
4 B.R.C. 1981, made and verified by the applicant;

5 (E) Evidence establishing compliance with Section 10-11-14 "Legitimate
6 Cooperatives," B.R.C. 1981. The city manager shall not issue a cooperative housing license
7 unless the applicant can be certified as meeting the criteria set forth in Section 10-11-14. Each
8 licensee shall submit evidence of compliance with Section 10-11-14 every two years; that the
9 applicant is a Legitimate Cooperative Housing Organization.

10 (F) A certification that the applicant has provided to a resident of each dwelling on
11 the street face contact information for the applicant and the organization responsible for
12 certifying the applicant; and;

13 (G) A list of any all persons who have any ownership interest in any entity to be
14 licensed.

15 (c) Pay all license fees prescribed by section 4-20-69, "Cooperative Housing Fee,"
16 B.R.C. 1981, at the time of submitting the license application.

17 (d) Any licensee shall provide the city manager with a report of any changes in the
18 information required by subsection (1)(b) above within thirty days of such change. Take all
19 reasonable steps to notify any occupants of the property in advance of the date and time of the
20 inspection. The applicant shall be present and accompany the inspector throughout the
21 inspection, unlocking and opening doors as required.

22 (e) The city manager may issue a conditional approval for any group that has met the
23 requirements of subsections (a), (b)(1)(E), (b)(1)(G).

1 **10-11-5. - License Renewal Procedure for Cooperative Housing Units**

2 Every licensee of a cooperative housing unit shall follow the procedures in this section
3 when renewing an unexpired license:

4 (a) Pay all license fees prescribed by section 4-20-69, "Cooperative Housing Fee,"
5 B.R.C. 1981, before the expiration of the existing license.

6 (b) Submit to the city manager, on forms provided by the manager:

7 (1) A housing inspector's certification of renewal inspection within twelve months
8 before application. The applicant shall make a copy of the inspection form available to city staff
9 and residents of inspected units within fourteen days of a request;

10 (2) A report on the condition and location of all smoke and carbon monoxide alarms
11 required by chapter 10-2, "Property Maintenance Code," B.R.C. 1981, made and verified by the
12 operator; and

13 (3) A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.
14 1981, made and verified by the operator.

15 (4) A parking management plan meeting the requirements of subsection 10-11-11,
16 B.R.C. 1981, made and verified by the applicant.

17 (c) Take all reasonable steps to notify in advance all residents of the property of the
18 date and time of the inspection. The operator shall be present and accompany the inspector
19 throughout the inspection, unlocking and opening doors as required.

20 **10-11-6. - Temporary License.**

21 If the inspection shows that there are violations of chapter 10-2, "Property Maintenance
22 Code," B.R.C. 1981, in the building, and the applicant cannot correct the deficiencies before the
23 housing is to be occupied (in the case of a new cooperative housing unit) or the existing license
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1 expires (in the case of a renewal), the applicant may apply, on forms specified by the city
2 manager, for a temporary license. If the manager finds, based on the number and severity of
3 violations, that such a temporary license would not create or continue an imminent health or
4 safety hazard to the public or the occupants, the manager may issue a temporary license. The
5 manager shall specify the duration of the temporary license, for a period reasonably necessary to
6 make the needed repairs and changes. Upon receipt of an additional certificate of inspection
7 showing correction of the deficiencies, and an additional housing license fee, the manager shall
8 issue the cooperative housing license.

9 **10-11-7. - License Appeals.**

10 Any applicant denied a temporary license, or aggrieved by the period of time allowed for
11 correction, may appeal the denial or the time for correction, or both, as provided in section 10-2-
12 2, section 111 "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required
13 to correct a violation, the board shall either affirm the city manager's originally prescribed time
14 or grant a longer time to correct the alleged violation.

15 **10-11-8. - Time of License Expiration.**

16 Every rental license expires upon the earliest of the following dates:

17 (a) The expiration date on the license unless temporary authority is allowed under
18 section 10-11-6, "Temporary License," B.R.C. 1981, of this chapter;

19 (b) The effective date of any order or notice to vacate the property issued under any
20 provision of law;

21 (c) The expiration of the temporary certificate of occupancy for the property if a
22 permanent certificate of occupancy has not been issued; or

23 (d) The revocation of the certificate of occupancy for the property.
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1 **10-11-9. - License Fees.**

2 Applicants for any cooperative housing license, and applicants renewing an existing
3 cooperative housing license, shall pay the license fees prescribed by section 4-20-69,
4 "Cooperative Housing Fee," B.R.C. 1981, upon submission of any license application.

5 **10-11-10. - Availability of License.**

6 No person who holds a cooperative housing license shall fail to make the ~~rental~~ license
7 available to anyone within seventy-two hours of receiving a request. Posting of a cooperative
8 housing license at the property is not required.

9 **10-11-11. – Parking Management Plan Required.**

10 Each applicant for a cooperative housing license shall prepare a parking management
11 plan. Approval of any such plan shall be a condition of issuance of any cooperative housing
12 license. The plan shall limit the number of automobiles to be parked in the public right of way to
13 three. associated with the property to no more than four vehicles per license. The parking
14 management plan shall include a list of all vehicles to be associated with the property. The list
15 shall include the name of the owner, the make and model and the license plate number of all
16 vehicles to be located at the cooperative housing unit. An agreement by the licensee to require
17 that all residents have a local bus pass with the Regional Transit District may be included in such
18 a plan, but is not required. If the cooperative housing unit is located in a Neighborhood EcoPass
19 district, the plan shall include a requirement that each resident who licensed to drive, acquire an
20 EcoPass.

21 **10-11-12. – Compatibility with Neighborhoods.**

22 Each cooperative shall at all times maintain compatibility with the neighborhood in
23 which the cooperative is located. The licensee shall take all reasonable steps to reduce excessive
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1 parking on the public right of way and noise, trash and weeds on the property. A cooperative
2 may be considered incompatible with the neighborhood if the city manager receives multiple
3 complaints relating to parking on the public right of way, noise, trash or weeds in any twelve
4 month period. Complaints from a single person shall not be sufficient to cause a property to be
5 incompatible with the neighborhood. Prior to making any determination that a cooperative is not
6 compatible with the neighborhood, the city manager shall provide written notice to the licensee
7 and encourage the licensee to address the complaints with the residents of the neighborhood.

8 **10-11-1312a. – Property Rights for Equity Cooperatives**

9 Cooperatives that are licensed pursuant to this chapter will have the following status
10 under Title 9, “Land Use Code,” B.R.C. 1981:

11 (a) Equity Cooperatives. Any licensed limited equity cooperative or private equity
12 cooperative is considered a use of land for the purposes of Chapter 9-6, “Uses of Land,” B.R.C.
13 1981. If the city changes its land use regulations, such cooperatives shall have the privilege to
14 continue as non-conforming uses under the requirements in Section 9-10-3, “Changes to
15 Nonstandard Buildings, Structures, and Lots and Nonconforming Uses,” B.R.C. 1981, provided
16 that all of the requirement of the Boulder Revised code continue to be met.

17 (b) Rental Cooperatives. Any licensed rental cooperative is considered a dwelling unit
18 purposes of Chapter 9-6, “Uses of Land,” B.R.C. 1981 and not a use of land. Upon the
19 abandonment, expiration, or revocation of such license, the property will continue to be
20 considered a dwelling unit.

21 **10-11-14. – Legitimate Cooperatives**

22 (a) The city council intends that all licensed cooperatives be legitimate cooperatives.
23 A legitimate cooperative is a group living arrangement in which the residents have a high degree
24 of compatibility with the neighborhood.

1 of social cohesion and teamwork. The residents typically govern through consensus and share
2 responsibilities and resources. New members are typically selected by the community's existing
3 membership, rather than by real estate agents, property managers or non-resident landowners.

4 (b) All applicants for cooperative housing licenses shall demonstrate and as part of
5 the licensing process that the community to be formed will be a legitimate cooperative. A
6 legitimate cooperative is an organization formed under Colorado law that, in addition to any
7 other criteria adopted by the city manager, has the following:

8 (1) a documented governance structure;

9 (2) a list of members; and

10 (3) bylaws that provide for the following:

11 (A) provisions prohibiting discrimination or harassment;

12 (B) a provision requiring regular meetings of all members;

13 (C) a democratic decision-making structure;

14 (D) provisions for discipline or discharge of members; and

15 (d) provisions for sharing of resources.

16 (c) The city manager shall designate one or more Expert Cooperative Housing
17 Organizations with 90 days after final adoption of this ordinance. An applicant shall seek
18 training and certification by an Expert Cooperative Housing Organization. An applicant shall
19 submit evidence of such training and certification as part of an application for a cooperative
20 housing license.

21
22 **10-11-154. – City Manager May Order Premises Vacated.**

23 (a) Whenever the city manager determines that any cooperative housing unit is in
24 violation of this chapter or of chapter 10-2, "Property Maintenance Code," B.R.C. 1981, and has
25

1 caused a summons and complaint requiring the licensee to appear in municipal court to answer
2 the charge of violation to issue, and the summons cannot be served upon the licensee despite
3 reasonable efforts to do so, or, having been served, the licensee has failed to appear in the
4 municipal court to answer the charges or at any other stage in the proceedings, or, having been
5 convicted or entered a plea of guilty or no contest, the licensee has failed to satisfy the judgment
6 of the court or any condition of a deferred judgment, then the city manager may, after thirty days'
7 notice and an opportunity for a hearing to the residents and the licensee, require that the premises
8 be vacated and not be reoccupied until all of the requirements of the Property Maintenance Code
9 and the cooperative housing code have been satisfied and a cooperative housing license is in
10 effect. No person shall occupy any cooperative housing unit after receiving actual or constructive
11 notice that the premises have been vacated under this section.
12

13 (b) Any notice required by this section to be given to a licensee is sufficient if sent by
14 first class or certified mail to the address of the last known owner of the property as shown on
15 the records of the Boulder County Assessor as of the date of mailing. Any notice to a resident
16 required by this section is sufficient if sent by first class or certified mail to or delivered to any
17 occupant at the address of the premises and directed to "All Residents."

18 (c) The remedy provided in this section is cumulative and is in addition to any other
19 action the city manager is authorized to take.

20 **10-11-165. – Administrative Remedy.**

21 (a) If the city manager finds that a violation of any provision of this chapter or
22 Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, exists, the manager, after notice to
23 the operator and an opportunity for hearing under the procedures prescribed by Chapter 1-3,
24
25

1 "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the following actions to
2 remedy the violation:

3 (1) Impose a civil penalty according to the following schedule:

4 ~~(A) For any violation in the following areas: the area south of Arapahoe Avenue,~~
5 ~~north of Baseline Road, east of 6th Street and west of Broadway; the area south of Baseline~~
6 ~~Road, north of Table Mesa Drive, east of Broadway and west of U.S. Route 36 and the area~~
7 ~~south of Canyon Boulevard, north of Arapahoe Avenue, west of Folsom Street and east of 15th~~
8 ~~Street:~~

9 ~~(i) For the first violation of the provision, \$500.00;~~

10 ~~(ii) For the second violation of the same provision, \$750.00; and~~

11 ~~(iii) For the third violation of the same provision, \$1,000.00;~~

12 ~~(B) For a violation in any other area:~~

13 ~~(A_i) For the first violation of the provision, \$150.00~~

14 ~~(B_{ii}) For the second violation of the same provision, \$300.00; and~~

15 ~~(C_{iii}) For the third violation of the same provision, \$1,000.00;~~

16 (2) Revoke the cooperative housing license; and

17 (3) Issue any order reasonably calculated to ensure compliance with this chapter and
18 Chapter 10-2, "Property Maintenance Code," B.R.C. 1981.

19 (b) If notice is given to the city manager by the licensee at least forty-eight hours
20 before the time and date set forth in the notice of hearing on any violation, other than a violation
21 of section 10-11-12 "Compatibility with Neighborhoods," B.R.C. 1981, that the violation has
22 been corrected, the manager will re-inspect the cooperative housing unit. If the manager finds
23 that the violation has been corrected, the manager may cancel the hearing.
24
25

1 (c) If notice is given to the city manager by the licensee at least forty-eight hours
2 before the time and date set forth in the notice of hearing on any violation of section 10-11-12
3 “Compatibility with Neighborhoods,” B.R.C. 1981, that the licensee has scheduled a community
4 mediation with concerned neighbors, the manager may continue the hearing until the manager
5 receives a report regarding the conclusion of the mediation. If after reviewing a community
6 mediation report, if the city manager is satisfied that the cooperative housing unit meets the
7 requirements of section 10-11-12 “Compatibility with Neighborhoods,” B.R.C. 1981, the city
8 manager may dismiss any pending complaint.

9 (d) The city manager's authority under this section is in addition to any other
10 authority the manager has to enforce this chapter, and election of one remedy by the manager
11 shall not preclude resorting to any other remedy as well, provided however, the city manager
12 shall not seek criminal penalties for any violation of this chapter.

13 (e) The city manager may, in addition to taking other collection remedies, certify due
14 and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-
15 12, "City Manager May Certify Taxes, Charges and Assessments to County Treasurer for
16 Collection," B.R.C. 1981.

17 (f) To cover the costs of investigative inspections, the city manager will assess
18 operators a \$250.00 fee per inspection, where the city manager performs an investigative
19 inspection to ascertain compliance with or violations of this chapter.

20 **10-11-16~~7~~. - Authority to Issue Rules.**

21 The city manager may adopt reasonable rules to implement this chapter.

22 **10-10-18. – Reporting.**

1 The city manager shall prepare an annual report to the city council regarding the implementation
2 and enforcement of this chapter.

3 **Section 8.** This ordinance is necessary to protect the public health, safety, and welfare of
4 the residents of the city, and covers matters of local concern.

5 **Section 9.** The City Council deems it appropriate that this ordinance be published by title
6 only and orders that copies of this ordinance be made available in the office of the city clerk for
7 public inspection and acquisition.

8 READ ON FIRST READING, PASSED AND ORDERED PUBLISHED BY TITLE
9 ONLY this 21st day of June 2016.

12 _____
Suzanne Jones
Mayor

13 Attest:

15 _____
Lynnette Beck
16 City Clerk

17 READ ON SECOND READING, AMENDED AND PASSED this 4th day of October
18 2016.

21 _____
Suzanne Jones
Mayor

22 Attest:

24 _____
Lynnette Beck
25 City Clerk

1 READ ON THIRD READING, ADOPTED AND PASSED this 6th day of December
2 2016.
3

4
5 _____
6 Suzanne Jones
7 Mayor

8 Attest:

9 _____
10 Lynnette Beck
11 City Clerk
12
13
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